IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5368 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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HRIDAY EDUCATION TRUST

Versus

GOVERNMENT OF GUJARAT

Appearance:

1. Special Civil Application No. 5368 of 2001

Mr.N.Pahwa for M/S THAKKAR ASSOC. for Petitioner No. 1

NOTICE SERVED BY DS for Respondent No. 1,2

Mr.D.Dave for MR AD OZA for Respondent No. 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 16/08/2001

ORAL JUDGEMENT

Rule. Mr.D. Dave, learned Counsel for Mr.A.D.Oza, learned Counsel appearing on behalf of the respondent No.2 Board, waives service of rule.

Mr.Pahwa, learned Counsel for the petitioner submits that the grievance of the petitioner is that in the year 1991, the petitioner Trust applied for recognition for running Secondary Schools both in Gujarati and Hindi mediums. The respondent Board and Government recognised the School for imparting education in Hindi medium, but the recognition for School in Gujarati medium has been refused by the Board as well as by the Government. Thereafter, in 1999 again the petitioner Trust applied for running School in Gujarati medium. The prayer of the petitioner has been refused by the Gujarat Secondary Education Board on the ground that

the petitioner Trust does not have separate accommodation for Gujarati medium School and the need for Gujarati medium School has not been established and the Board also observed that if the petitioner Institution is permitted to establish Gujarati medium School, then that will create an unhealthy competition. The petitioner, having felt aggrieved by the decision of the Board, filed a Review Application before the State Government and the State Government also dismissed the Review Application, upholding the decision of the Gujarat Secondary Education Board.

In the present case, the application of the petitioner for grant of registration of School came to be rejected under the impugned order on the grounds given therein. Looking to the grounds which have been given for the rejection of the application and the fact that such order does not attain finality and is always open to the consideration, the petitioner is free to apply afresh for grant of registration of the School in Gujarati medium, after completing all the requirements in respect of the building and other material part. It is submitted by Mr.Pahwa, learned Counsel appearing on behalf of the petitioner that separate accommodation is now available for running independent Gujarati medium Secondary School by the petitioner Trust. It is also submitted by Mr.Pahwa that the petitioner Trust has been imparting education in Gujarati medium after seventh standard and the students of the petitioner Trust are appearing in the Secondary School Examination in Gujarati medium from 1992 through the recognised Hindi medium School of the petitioner Trust with the approval and permission of the respondent Board. If that be so, then I am of the view that the petitioner may file a fresh application, explaining the situation to the Board, and also give details of the accommodation available for the Gujarati medium School. The petitioner may file a fresh application to the respondent Board for recognition of their Gujarati medium Secondary School, giving details therein within 15 days from today and if such application is filed, the respondent Board as well as the Government may consider the application of the petitioner, having regard to the background of the petitioner Trust and in accordance with the Rules and Regulations of the Board.

With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute to the above extent only. Direct service is permitted. In case of any difficulty, the petitioner may approach this Court. No order as to costs.

16-8-2001 (P. K. Sarkar, J.)

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